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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Vesa Metsatahti

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4105

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7590

03/19/2007

ALSTON & BIRD LLP

BANK OF AMERICA PLAZA

101 SOUTH TRYON STREET, SUITE 4000

CHARLOTTE, NC 28280-4000

EXAMINER

SAEED, USMAAN

ART UNIT

PAPER NUMBER

2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/715,162

Applicant(s)

METSATAHTI ET AL.

Examiner

Usmaan Saeed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration, filed on 01/08/2007 is acknowledged.
Claims 1-13, and 16 have been amended.

Specification

2. Specification is still objected to because related co-pending application, given in the specification needs to be updated by including the U.S. Patent Application Serial number.

Double Patenting

3. The provisional non-statutory double patenting rejection will be held in abeyance until such time as a patent issues based upon one of these applications, at which time a substantive response will be provided if the rejection under the judicially created doctrine of obviousness-type double patenting is maintained.

Claim Rejections - 35 USC § 101

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4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to an environment or machine which would result in a practical application producing a concrete useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 1-10 are still rejected because the actions performed by first and second instructions do not provide any tangible results.

These claims are rejected because they do not recite a practical application by producing a physical transformation or producing a useful, concrete, and tangible results. To perform a physical transformation, the claimed invention must transform an article of physical object into a different state or thing. Transformation of data is not a physical transformation. A useful, concrete, and tangible results must be either specifically recited in the claim or flow inherently therefrom. To be useful the claimed invention must establish a specific, substantial, and credible utility. To be concrete the claimed invention must be able to produce reproducible results. To be tangible the claimed invention must produce a practical application or real world result.

To expedite a complete examination of the instant application the claims rejected under U.S.C. 101 (nonstatutory) above are further rejected as set forth below in

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anticipation of application amending these claims to place them within the four categories of invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Rothmuller et al.** (**Rothmuller** hereinafter) (International Pub No. WO 02/057959 A2).

With respect to claim 1, **Rothmuller** teaches a **computer program product for representing media files on a digital device, the computer program product comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions comprising:**

“first instructions for generating a media view” as figure 1, Image area 100 provides a media view (**Rothmuller** Figure 1) **“that provides access to digital media files and associates digital media files with a predefined time”** as when the objects

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to be search for are photos, these search criteria can include, but are not limited to, the date and time the photos were taken, textual information that is associated with the photos such as the names of the people who are in the photos or the places or events where the photos were taken, designations of the photos as favorite photos, and designation of the photos as photos that have been printed, shared with others, or archived on a certain date (**Rothmuller** Page 2, Lines 13-19). These media files are being accessed based on the association of these media files with respect to their data and time.

“second instructions for generating a time bar that divides time into segments, each segment of time having a size that depends upon the amount of media files associated with the respective segment of time” as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can rage from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3). Examiner interprets the segments as time bands having a size/time period and media files associated with that size.

The timeline 250 can be used by itself to find all photos taken between Jan. 1, 2000 and Feb. 28, 2000 by moving the adjustable time bands 251 to these two

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respective dates (**Rothmuller** Page 8, Lines 8-10 & figure 1 and 3). In figure 3 there are segments of time and their size depends upon the amount of files for that time segment.

With respect to claim 2, **Rothmuller** teaches “**the computer program product of claim 1, wherein the second instructions for generating a time bar further generates selectable segments of time**” as the timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 8, Lines 2-3). Examiner interprets selectable as adjustable.

With respect to claim 3, **Rothmuller** teaches “**the computer program product of claim 1, wherein the second instructions for generating a time bar includes instructions for generating segments of time periods chosen from the group consisting of a year, a month, a week and a day**” as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10).

Claim 14 is essentially the same as claim 3 except it recites the claimed invention as a method and is rejected for the same reasons as applied herein above.

With respect to claim 4 **Rothmuller** teaches “**the computer program product of claim 1, wherein the second instructions for generating a time bar includes instructions for generating a segment of time that indicates the amount of media files in the time segment**” as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can rage from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3).

With respect to claim 5, **Rothmuller** teaches “**the computer program product of claim 4, wherein the second instructions for generating a time bar includes instructions for generating a segment of time that indicates the amount of media items in the segment based on the size of the segment**” as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can rage from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify

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the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3).

With respect to claim 6, **Rothmuller** teaches “**the computer program product of claim 4, wherein the second instructions for generating a time bar includes instructions for generating a segment of time that indicates the amount of media items in the segment unit based on the color of the segment**” as when tag searches are conducted in conjunction with timeline 250, the timeline displays the total number of photos in the database per unit time period in a first color which may be a solid color, and the total number of photos in the database that match the tagged search criteria as “best” or “close” matches in a second color which may be a hatched pattern or color (**Rothmuller** Page 8, Lines 21-26).

With respect to claim 7, **Rothmuller** teaches “**the computer program product of claim 1, wherein the second instructions for generating a time bar additionally includes instructions for generating a time handle that allows for periods of time to be scrolled**” as figure 1 and figure 3, which shows the time handle/arrows to scroll the time periods (**Rothmuller** Figure 1 & 3).

With respect to claim 8, **Rothmuller** teaches “**the computer program product of claim 1, wherein the first instructions further include instructions for associating digital media files with a predefined time based upon information**

associated with the digital media file” as when the objects to be search for are photos, these search criteria can include, but are not limited to, the date and time the photos were taken, textual information that is associated with the photos such as the names of the people who are in the photos or the places or events where the photos were taken, designations of the photos as favorite photos, and designation of the photos as photos that have been printed, shared with others, or archived on a certain date (**Rothmuller** Page 2, Lines 13-19). These media files are being accessed based on the association of these media files with respect to their data and time.

Claim 15 is essentially the same as claim 15 except it recites the claimed invention as a method and is rejected for the same reasons as applied herein above.

With respect to claim 9, **Rothmuller** teaches **“the computer program product of claim 1, further including third instructions for generating a calendar view that represents time in calendar format and associates events with respective periods of time”** as in addition to timelines, the temporal distribution of objects in the database can be represented in a calendar view such that the days of the calendar indicate the number of objects having metadata associated with a given day of the week in a given week of the month (**Rothmuller** Page 3, Lines 10-16). In addition tags in the events category can include pre-defined calendar event such as New Years Eve, and customized calendar events such as birthdays and anniversaries (**Rothmuller** Page 5, Lines 21-23).

With respect to claim 10, **Rothmuller** teaches “**the computer program product of claim 9, wherein the first instructions for generating a media view that provides access to digital media files and associates digital media files with a predefined time, associates digital media files with a past predefined time and wherein the third instructions for generating a calendar view that represents time in calendar format and associates events with respective periods of time, associates events with respective future periods of time**” as figure 1, Image area 100 provides a media view (**Rothmuller** Figure 1). When the objects to be search for are photos, these search criteria can include, but are not limited to, the date and time the photos were taken, textual information that is associated with the photos such as the names of the people who are in the photos or the places or events where the photos were taken, designations of the photos as favorite photos, and designation of the photos as photos that have been printed, shared with others, or archived on a certain date (**Rothmuller** Page 2, Lines 13-19). These media files are being accessed based on the association of these media files with respect to their data and time.

In addition to timelines, the temporal distribution of objects in the database can be represented in a calendar view such that the days of the calendar indicate the number of objects having metadata associated with a given day of the week in a given week of the month (**Rothmuller** Page 3, Lines 10-16). In addition tags in the events category can include pre-defined calendar event such as New Years Eve, and

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customized calendar events such as birthdays and anniversaries (**Rothmuller** Page 5, Lines 21-23).

With respect to claim 11, **Rothmuller** teaches a digital device, the device comprising:

“a computer-readable storage medium

a processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising” as a programmable processor executing a program of instruction to perform functions of the invention by operating on input data and generating output (**Rothmuller** Page 12, Lines 19-21).

“first instructions for generating a media view” as figure 1, Image area 100 provides a media view (**Rothmuller** Figure 1) **“that provides access to digital media files and associates digital media files with a predefined time”** as when the objects to be search for are photos, these search criteria can include, but are not limited to, the date and time the photos were taken, textual information that is associated with the photos such as the names of the people who are in the photos or the places or events where the photos were taken, designations of the photos as favorite photos, and designation of the photos as photos that have been printed, shared with others, or archived on a certain date (**Rothmuller** Page 2, Lines 13-19). These media files are being accessed based on the association of these media files with respect to their data and time.

“second instructions for generating a time bar that divides time into segments, each segment of time having a size that depends upon the amount of media files associated with the respective segment of time” as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can range from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3). Examiner interprets the segments as time bands having a size/time period and media files associated with that size.

The timeline 250 can be used by itself to find all photos taken between Jan. 1, 2000 and Feb. 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10 & figure 1 and 3). In figure 3 there are segments of time and their size depends upon the amount of files for that time segment.

“a display in communication with the processing unit that presents a combined view of the media view and the time bar” as figure1, which shows the combined view of both the media view and the time bar (**Rothmuller** Figure 1).

Claim 13 is essentially the same as claim 11 except it recites the claimed invention as a method and is rejected for the same reasons as applied herein above.

With respect to claim 16, **Rothmuller teaches a method for using a time bar in a media diary application to access a media file, the method comprising:**

“providing the user of a digital device a display of a time bar and a media view that represents media files in association with a predefined time” as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can rage from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3). Figure 1, Image area 100 provides a media view (**Rothmuller** Figure 1).

“wherein the time bar has one or more time levels, wherein the display of at least one time level is divided into a plurality of segments of time, and wherein the display of each segment of time of the plurality of segments of time of at least one time level is sized based upon the amount of media files associated with the segment of time” as the timeline 250 can be used by itself to find all photos taken between Jan. 1, 2000 and Feb. 28, 2000 by moving the adjustable time bands 251 to

these two respective dates (**Rothmuller** Page 8, Lines 8-10 & figure 1 and 3). Figure 3 has levels of year's, months, and days. In figure 3 there are segments of time and their size depends upon the amount of files for that time segment.

“activating one or more time levels of the time bar to display the specific predefined time for which a media file is associated” as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10). The time levels of timeline shown in the reference has 2000 as year level, Jan as month level and 1st as day level and these levels are being activated to retrieve media files.

“activating the specific period of time to display a representation of the media file and the associated predefined time” as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10).

“selecting the representation of the media file to access the media file” as the timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos (**Rothmuller** Page 7, Line 31 & Page 8, Lines 1-2).

With respect to claim 17, **Rothmuller** teaches **“the method of claim 16, wherein the step of activating one or more time levels of the time bar to display the specific predefined time for which a media file is associated further**

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comprises activating one or more time levels of the time bar chosen from the group consisting of month level, week level and day level to display the specific predefined time for which a media file is associated” as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10). The time levels of timeline shown in the reference has 2000 as year level, Jan as month level and 1st as day level and these levels are being activated to retrieve media files.

With respect to claim 18, **Rothmuller** teaches **“the method of claim 16, wherein the step of activating the specific predefined time to display a representation of the media file and the associated predefined time further comprises activating a specific date to display a representation of the media file and the date”** as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rothmuller et al.** (International Pub No. WO 02/057959 A2).

With respect to claim 12, **Rothmuller** teaches **“the digital device of claim 11, the computer-readable program instructions further comprising a third instructions for generating a calendar view that represents time in calendar format, associates events with respective periods of time”** as in addition to timelines, the temporal distribution of objects in the database can be represented in a calendar view such that the days of the calendar indicate the number of objects having metadata associated with a given day of the week in a given week of the month (**Rothmuller** Page 3, Lines 10-16). In addition tags in the events category can include pre-defined calendar event such as New Years Eve, and customized calendar events such as birthdays and anniversaries (**Rothmuller** Page 5, Lines 21-23).

Rothmuller teaches the elements of claim 12 as noted above but does not explicitly teach **“and is presented by the display in combination with the media view and the time bar.”**

However, **Rothmuller** teaches **“and is presented by the display in combination with the media view and the time bar”** as figure1, which shows the combined view of both the media view and the time bar (**Rothmuller** Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited reference because these

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teachings would have provided the display of all the files and events associated with a specific data by the displaying calendar events with combination to media view and time bar, thereby limiting the search time of different files and events.

Response to Arguments

7. Applicant's arguments filed on 1/08/2007 have been fully considered but they are not persuasive.

In these arguments applicant relies on the amended claims and not the original ones.

Claims must be given the broadest reasonable interpretation during examination and limitations appearing in the specification but not recited in the claim are not read into the claim (See M.P.E.P. 2111 [R-I]).

Applicant argues that **Rothmuller** does not teach **"segments of time in the timeline are sized based upon media file associated with each segment of time."**

In response to the arguments examiner respectfully submits that Rothmuller discloses **"segments of time in the timeline are sized based upon media file associated with each segment of time"** as figure 3. Figure 3 shows the segments of time and different segments of time have different amounts of files associated them. The segments of time are sized based on the number of files associated with them.

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The segments of time have a higher height size if they have more files associated with that segment of time. The figure 3 also shows that the time segments are not of equal sizes.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usmaan Saeed whose telephone number is (571)272-4046. The examiner can normally be reached on M-F 8-5.

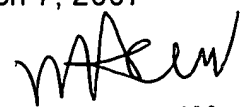
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Usmaan Saeed
Patent Examiner
Art Unit: 2166

Leslie Wong 
Primary Examiner

US
March 7, 2007


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER